

MINUTE ITEM

27. STATE INDEMNITY SELECTION APPLICATIONS, AUTHORITY TO EXECUTE -
GEN. DATA.

After consideration of Calendar Item 10 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

KENNETH C. SMITH, AS PUBLIC LANDS OFFICER OF THE STATE LANDS DIVISION, IS AUTHORIZED TO EXECUTE INDEMNITY SELECTION AND EXCHANGE APPLICATIONS FILED BY THE STATE WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT, INCLUDING EXECUTION OF NECESSARY AMENDMENTS THERETO, AS THE SELECTING AGENT OF THE STATE, IN COMPLIANCE WITH THE REGULATIONS PROMULGATED BY THE SECRETARY OF THE INTERIOR, SET FORTH UNDER PART 270, TITLE 43, UNITED STATES CODE OF FEDERAL REGULATIONS.

Attachment

Calendar Item 10 (1 page)

CALENDAR ITEM

10.

STATE INDEMNITY SELECTION APPLICATIONS, AUTHORITY TO EXECUTE - GEN. DATA.

The Commission at its meeting held January 29, 1959 (Minute Item 33, page 4499), adopted a resolution authorizing the Executive Officer to waive the six-month preferential right accorded the State for the filing of indemnity selection applications on federal lands restored to entry, as provided by Public Law 85-771 (72 Stat. 928). The calendar item submitted for consideration reported that this act had amended the indemnity selection act. Many pending applications must be amended by the State in the near future in order to comply with the new statute.

The passage of the subject act by Congress has caused new regulations to be promulgated by the Secretary of the Interior, which, in addition to amending prior regulations, establish new procedural requirements to be followed by the States in the filing of State indemnity selections with the Bureau of Land Management. These new regulations became effective September 18, 1959, and are incorporated under Part 270, Title 43, United States Code of Federal Regulations.

A requirement of the new regulations, which was not set forth in prior regulations governing the selection procedure, is that a State indemnity selection application must contain, or be accompanied by, a certificate by the selecting agent showing "his official title and his authority to make the selection in behalf of the state".

Under the prior procedure the Public Lands Officer always executed such applications. However, in order to establish specific authorization under the new regulations of the Department of the Interior, upon which a certification may be based, it appears desirable that the designation of the Public Lands Officer to act as the selecting agent of the Commission be authorized by formal resolution of the Commission.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE KENNETH C. SMITH, AS PUBLIC LANDS OFFICER OF THE STATE LANDS DIVISION, TO EXECUTE INDEMNITY SELECTION AND EXCHANGE APPLICATIONS FILED BY THE STATE WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT, INCLUDING EXECUTION OF NECESSARY AMENDMENTS THERETO, AS THE SELECTING AGENT OF THE STATE, IN COMPLIANCE WITH THE REGULATIONS PROMULGATED BY THE SECRETARY OF THE INTERIOR, SET FORTH UNDER PART 270, TITLE 43, UNITED STATES CODE OF FEDERAL REGULATIONS.